

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

March 18, 2016

**Committee**  
**Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on February 5, 2016, and March 4, 2016, makes reference to County Communication 15-6, from Councilmember Mike White, relating to litigation matters.

By correspondence dated January 22, 2016, the Department of the Corporation Counsel requested consideration of the possible settlement of U.S. Equal Employment Opportunity Commission v. County of Maui Police Department, et al., Civil 13-00698 LEK KSC. Attached to the request is a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 13-00698 LEK KSC," and a copy of the complaint.

The complaint alleges Lars Sandstrom applied for employment with the Department of Police, but was not hired due to age discrimination, and that the County violated the Age Discrimination in Employment Act of 1967, as amended. The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the case.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement in excess of \$7,500.

A Deputy Corporation Counsel provided a brief overview of the case. She noted in 2009, Mr. Sandstrom applied for a job with the Department of Police and was not hired. Mr. Sandstrom alleged the Department did not hire him because of his age. Mr. Sandstrom was 45 years of age at the time of his application. The Equal Employment Opportunity Commission then filed a lawsuit on behalf of Mr. Sandstrom.

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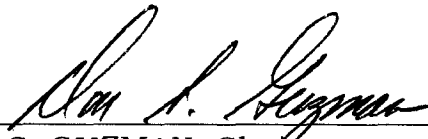
Because the case involves ongoing litigation, the Deputy requested the opportunity to convene an executive meeting.

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 8-0 to recommend adoption of the proposed resolution. Committee Chair Guzman, Vice-Chair Crivello, and members Baisa, Carroll, Cochran, Couch, Hokama, and Victorino voted "aye." Committee member White was excused.

Your Committee of the Whole **RECOMMENDS** that Resolution \_\_\_\_\_, attached hereto, entitled "AUTHORIZING SETTLEMENT OF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL NO. 13-00698 LEK KSC," be **ADOPTED**.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
DON S. GUZMAN, Chair

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# Resolution

AUTHORIZING SETTLEMENT OF  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL.,  
CIVIL NO. 13-00698 LEK KSC

WHEREAS, Plaintiff U.S. Equal Employment Opportunity Commission filed a lawsuit against the County of Maui in the United States District Court for the District of Hawaii on December 18, 2013, Civil No. 13-00698 LEK KSC, claiming that the County of Maui violated the Age Discrimination in Employment Act of 1967, as amended; and

WHEREAS, Plaintiff U.S. Equal Employment Opportunity Commission alleges that Lars Sandstrom applied for employment with the Department of Police, but was not hired due to age discrimination; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Committee of the Whole; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a

**Resolution No. \_\_\_\_\_**

negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

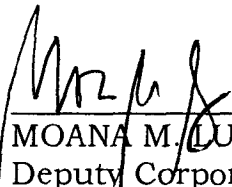
1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Committee of the Whole; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Chief of Police, and the Corporation Counsel.

APPROVED AS TO FORM  
AND LEGALITY:

  
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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui